THE HON'BLE SRI JUSTICE C.V. RAMULU

Friday, 24th November,2006

W.P.No.24480 of 2006

Between :

P. Chennabassappa ... Petitioner

and

The Collector (Civil Supplies),
Medak Dist at Sangareddy & others ... Respondents

THE HON'BLE SRI JUSTICE C.V. RAMULU

W.P.No.24480 of 2006

ORAL ORDER:

This Writ Petition is filed seeking a Mandamus declaring the Order passed by the 2nd respondent-Revenue Divisional Officer in Proceedings No.J/480/2006, dated 6-3-2006 as confirmed by the 1st respondent through his Order dated 31-10-2006 made in Appeal No.CSA/10/A/2006 as arbitrary and illegal.

It appears that the petitioner is a fair price shop dealer of Marvelli village, Alladurg Mandal, Medak District. While so, his authorization was cancelled, after conducting a detailed enquiry into the allegations made against him, by Proceedings dated 6-3-2006 of the 2nd respondent. Aggrieved by the same, petitioner filed a statutory appeal before the learned Joint Collector {Collector (CS)}, Medak District, who, by an Order dated 31-10-2006 dismissed the same.

In fact, against the said Order dated 31-10-2006, a revision is available to the District Collector, Medak. Instead of filing a revision, petitioner filed this Writ Petition on the ground that though the appeal was dismissed on merits, the counsel for the appellant therein (petitioner herein) was not present. I am of the opinion that even if the counsel is not present, the appeal was dismissed on merits. Therefore, it is necessary that the petitioner should avail the alternative remedy of statutory revision before the District Collector.

In view of the above, without expressing any opinion on merits,

the petitioner is at liberty to file a revision before the District Collector, Medak against the Order passed by the 1st respondent dated 31-10-2006 along with a stay application. Till the stay petition is disposed of, status-quo as on today as to the running of the fair price shop, shall be maintained.

With the above directions, the Writ Petition is disposed of. No order as to costs.

24-11-2006

Note:
Office to communicate a
Copy of the order to the
District Collector, Medak
and furnish
CC within 3 days
(B.O.)
prk